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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CLRB HANSON INDUSTRIES dba
INDUSTRIAL PRINTING, et al.,

Plaintiffs,

v.

GOOGLE, INC.,

Defendant.

Case No.: C 05-3649 JW PVT
ORDER RE DISCOVERY PLAN

On June 25, 2008, pursuant to the referral by District Judge Ware, this court issued an order regarding discovery planning. The parties have now filed their respective briefs regarding discovery planning. Having reviewed the briefs submitted by the parties, the court finds it appropriate to issue this order without oral argument. Based on the parties' briefs and the file herein,

IT IS HEREBY ORDERED as follows:

I. INITIAL DISCLOSURES

Federal Rules of Civil Procedure 26(e)(1) provides, in relevant part:

"A party who has made a disclosure under Rule 26(a) * * * * must supplement or correct its disclosure or response:

"(A) in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process

1 or in writing; or

2 “(B) as ordered by the court.”

3 The court will not set a specific deadline for supplementation under Rule 26(e)(1)(B) at this
4 time, but it expects the parties to continue to comply with Rule 26(e)(1)(B) when and if called for by
5 the circumstances.

6
7 **II. DISCOVERY TOPICS, TIMING AND SEQUENCING**

8 As noted by the parties, District Judge Ware expressly declined to bifurcate discovery.
9 However, the parties are not precluded from seeking to obtain, either by agreement from the
10 opposing party or by order of the court, an extension of time to delay until after class certification
11 any specific discovery that is not necessary for the class certification motion and which would
12 impose a burden that would interfere with that party’s ability to prepare for the class certification
13 motion. The parties are cautioned that the court will not tolerate abusive discovery tactics, whether
14 in the form of requests for excessive amounts of discovery or unwarranted delays in providing
15 discovery.

16
17 **III. ELECTRONIC DOCUMENTS**

18 Whenever reasonably possible, electronic documents should be produced in the form in
19 which it they are usually maintained. If that is not possible, the parties shall meet and confer
20 regarding the format in which the documents shall be produced. If no agreement can be reached, the
21 responding party may file a motion for leave to produce the documents in the format it believes is
22 most appropriate. The motion shall be made on two week’s notice. Any opposition to the motion
23 shall be filed one week before the noticed hearing. No reply shall be filed.

24 When necessary, a responding party shall provide a reasonable amount of technical support,
25 information on application software, or other reasonable assistance to enable the requesting party to
26 use the electronic information produced. *See* FED.R.CIV.PRO. 34, Advisory Committee Notes to the
27 2006 Amendment.

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